# MINUTES OF THE REGULAR MEETING OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

### **FOR JULY 5, 2006**

The **Regular Meeting** of the Council of Commissioners was called to order Wednesday, **July 5, 2006** in the Council Chambers, Third Floor, Room 312, Courthouse Building, 155 West Granite Street, Butte, Montana by Chief Executive Paul Babb.

#### ROLL CALL

12 present, 0 absent

#### **PRAYER**

Commissioner Bury led the commissioners in prayer.

### APPROVAL OF THE MINUTES OF THE JUNE 21, 2006 REGULAR MEETING

It was moved by Commissioner O'Leary, seconded by Commissioner Sheehy and carried by a unanimous verbal vote to approve the Minutes of the June 21, 2006 Regular Meeting.

#### ITEMS NOT ADDRESSED ON THE AGENDA

None

#### PUBLIC COMMENT ON ANY PUBLIC MATTER

None

#### CHIEF EXECUTIVE'S REPORT

Chief Executive Babb reported that they had been working on the budget last week He thanked the Finance and Budget Department for their help.

He recognized Mike Anderson from the Library who was named Employee of the Month for July.

We have all the work done through our Land Sales Office on the Highlands Road 84 that has been blocked by Daryl Williams, a land owner in that area. It has been delivered to the Forest Service who has their attorney reviewing it.

He wanted to publicly thank all of the people who worked on the 4<sup>th</sup> of July celebration. He thanked Brooks Hanna for the fireworks that he put on. He thanked St. James Hospital, John Raymond for his entertainment at the Belmont Center and Butte Celebrations for the parade.

He said they probably won't have the Record of Decision out until the end of August or the First of September. The holdup on that is the State was in their review process and they did have a time period on that.

He said that we did have a visit from the Mongolian ambassador last week. He came to visit MSU in Bozeman to see what they had in regards to agriculture and they are very interested in forming a relationship with Montana Tech in regard to Mining.

#### **SECTION I**

#### **PUBLIC HEARING**

FOR THE PURPOSE OF HEARING COMMENTS CONCERNING THE CONTINUATION OF THE .5% LOCAL OPTION VEHICLE TAX (Communication No. 06-358 being held in Committee of the Whole) Proof of publication was noted and placed on file.

Jeff Amerman, Director of the Finance and Budget Department, gave the staff report. He recommended that the Council pass Council Resolution No. 06-57 on tonight's agenda. Chief Executive Babb opened the public hearing at 7:34 PM and called for any proponents. On the third and final call there being none he called for opponents. Again there was no response so he closed the public hearing at 7:35 PM

#### **SECTION II**

#### **PUBLIC HEARING**

FOR THE PURPOSE OF HEARING COMMENTS CONCERNING THE REQUEST BY GREYHOUND LINES, INC. TO MOVE THEIR OPERATIONS TO THE BUTTE-SILVER BOW BUS TRANSFER STATION ON HARRISON AVENUE. (Communication No. 06-261 being held in Public Works Committee) **Proof of publication was noted and placed on file.** 

Gary Keeler, Transit Director, gave the staff report. Chief Executive Babb opened the public hearing at 7:36 PM and called for any proponents. The following came forth:

Brian Tocher, Cedar Lake Drive Bill Melvin, 911 Montrose, Civic Center Manager Roy Tanner, Salt Lake City, with the Greyhound Bus Lines Stepan Cox, 2315 Woolman Speaking as opponents were the following:

Mike Hitchcock, Owner of Montana Broom and Brush Todd Case, 1825 Massachusetts. Judy Case, 1825 Massachusetts, owner of Copier Doctor.

Chief Executive Babb closed the public hearing at 7:46 PM

#### SECTION III

#### **CONSENT AGENDA**

- A. 1. COMMITTEE OF THE WHOLE MEETING REPORT
  - 2. FINANCE AND BUDGET COMMITTEE MEETING REPORT
  - 3. JUDICIARY COMMITTEE MEETING REPORT
  - 4. PUBLIC WORKS COMMITTEE MEETING REPORT

#### B. COMMUNICATIONS

Before entertaining a motion for approval of the Consent Agenda, Chief Executive Babb called for any segregations. There being none, Commissioner O'Leary moved for approval of the Consent Agenda, Section A, Items 1 through 4 and section B, Items 1 through 26. Commissioner Bury seconded the motion and it carried with a unanimous verbal vote.

#### SECTION IV COMMUNICATIONS TO BE READ AND ACTED UPON

1. 06-435 John C. Van Daveer, Public Works Director, requesting approval and authorization for Chief Executive to execute agreement with US army Corps of Engineers for 595 Grant.

John Van Daveer, Director of the Public Works Department explained that the purpose of the grant is to fund the design of the biological nutrient addition to our existing metro plant. It is for \$180,000 and the matching 50/50 is split between the TIFID and Public Works.

It was moved by Commissioner O'Leary, seconded by Commissioner Bury to approve of the request in Communication No. 06-4365 and place on file. The motion carried with a unanimous verbal vote.

2. 06-437 Gary Keeler, Transit Director, requesting approval and authorization for Chief Executive to sign agreement for transportation services for the Belmont Senior Center for 1 month.

Gary Keeler, Transit Director, explained that this is an interim solution to the transportation of senior citizens until we can make a suitable arrangement for a bus station.

It was moved by Commissioner O'Leary, seconded by Commissioner Bury to approve the request in Communication No. 06-437 and place on file.

### SECTION V ORDINANCES AND RESOLUTIONS - REFERRED TO JUDICIARY

#### 1. COUNCIL RESOLUTION NO. 06-58

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A PARCEL OF REAL PROPERTY DESCRIBED AS LOTS 9 AND 10 IN BLOCK 1 OF THE VANDERBUILT ADDITION AND LOTS 18 AND 19 IN BLOCK 5 OF THE STANLEY ADDITION OWNED BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA TO THE ADJOINING OWNER PURSUANT TO POLICIES ADOPTED BY THE COUNCIL OF COMMISSIONERS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

#### **SECTION VI**

## ORDINANCES AND RESOLUTIONS – FINAL READING

#### 1. COUNCIL BILL NO. 06-6 ORDINANCE NO. 06-6

AN ORDINANCE CREATING AN APPOINTED BOARD TO BE ENTITLED "LAW ENFORCEMENT ADVISORY BOARD" AND TO BE NUMBERED CHAPTER 2.26 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC); SETTING FORTH THE COMPOSITION, DUTIES AND REPORTING REQUIREMENTS OF THE BOARD; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. It was moved by Commissioner O'Leary and seconded by Commissioner Bury to place Council Bill No. 06-6, Ordinance No. 06-6 on final reading and passed having been deemed fully read at length. On the question, Commissioner Lee said he would like to make a substitute motion to send Council Bill No. 06-6, Ordinance No. 06-6 back to the Judiciary Committee for some minor changes. Commissioner Kerns seconded the motion and it carried by a roll call vote of 12 yeas and 0 nays.

## SECTION VII ORDINANCES AND RESOLUTIONS – SUSPENSION OF THE RULES

It was moved by Commissioner O'Leary, seconded by Commissioner Bury and carried by a roll call vote of 12 yeas and 0 nays for suspension of the rules for the purpose of passing Council Resolution No. 06-57 by waiving subsection 7 of Rule XXXVI, of the Rules and Order of Business of the Council of Commissioners, thereby having it considered for advanced passage without reference to the Judiciary Committee.

#### 1. COUNCIL RESOLUTION NO. 06-57

A RESOLUTION CONTINUING THE LOCAL VEHICLE TAX FOR FISCAL YEAR 2006 – 2007 ON VEHICLES SUBJECT TO A REGISTRATION FEE UNDER SECTIONS 61-3-560 THROUGH 61-3-562, MCA AT A RATE OF 0.5% OF THE VALUE DETERMINED UNDER SECTION 61-3-503M MCA IN ADDITION TO THE REGISTRATION FEE IMPOSED UNDER SECTIONS 61-3-560 THROUGH 61-3-562, MCA, AS AUTHORIZED BY SECTION 61-3-537, MCA; DECLARING THAT A PUBLIC HEARING HAS BEEN HELD ON THE LOCAL VEHICLE TAX AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. It was moved by Commissioner O'Leary, seconded by Commissioner Bury and carried by a roll call vote of 12 yeas and 0 nays to place Council Resolution No. 06-57 on final reading and passed having been deemed fully read at length.

#### **ADJOURN**

The meeting adjourned at 8PM.

There being no further business to come before the Council, it was moved by Commissioner O'Leary, seconded by Commissioner Bury and carried by unanimous verbal vote to Rise to the Call of the Chair.

	CHIEF EXECUTIVE	
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ATTEST:		
CLERK AND RECORDER	<del></del>	